

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
COMMISSIONER OF INSURANCE

IN THE MATTER OF:

THE LICENSURE OF
CHAD THOMAS RUMFELT
(NPN #7344488)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2067

THIS MATTER was heard on November 18, 2021 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance (hereinafter, "Commissioner") under N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in Hearing Room #131 of the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance (hereinafter, "Agent Services"), was represented by Assistant Attorney General Nathan Childs. Respondent Chad Thomas Rumfelt (hereinafter, "Respondent") did not appear and was not represented by counsel at the hearing.

Service of the Notice of Administrative Hearing providing Respondent with due notice of the November 18, 2021 hearing was perfected by United States Certified Mail on October 28, 2021, as shown by the Affidavit of Service and United States Postal Service domestic return receipt admitted into evidence at the hearing.

Agent Services moved, pursuant to 11 N.C.A.C. 1.0423(A), for the imposition of sanctions due to Respondent's failure to appear at the hearing. Petitioner's motion for sanctions is DENIED. The undersigned Hearing Officer proceeded to accept and consider testimony and evidence offered by Agent Services in support of its Petition at the hearing.

Bethany Davenport, Complaint Analyst, appeared and testified on behalf of Agent Services. Agent Services offered into evidence Exhibits 1 through 10, which were admitted into evidence.

BASED UPON the careful consideration of the testimony and evidence presented at the hearing by Agent Services, and based upon the entire record in this proceeding, the Hearing Officer hereby makes the following:

FINDINGS OF FACT

1. Respondent has a non-resident North Carolina Insurance Producer's license with lines of authority in Casualty and Property ("License"). Respondent's non-resident Insurance Producer's license was first issued on May 17, 2008.

2. Effective May 7, 2019, the Delaware Department of Insurance took administrative action against Respondent, resulting in a "Final Decision and Order" revoking Respondent's Delaware insurance producer license and imposing a \$500 monetary penalty for Respondent's failure to report an adverse administrative action taken against him in another state within thirty days, as required by Delaware law.

3. Respondent did not report the May 7, 2019 Delaware administrative action to the Commissioner within thirty days as required by N.C. Gen. Stat. § 58-33-32(k).

4. Effective July 23, 2019, the Louisiana Department of Insurance took administrative action against Respondent, resulting in a \$250 monetary penalty for failure to report the May 7, 2019 Delaware administrative action taken against him within thirty days, as required by Louisiana law.

5. Respondent did not report the July 23, 2019 Louisiana administrative action to the Commissioner within thirty days as required by N.C. Gen. Stat. § 58-33-32(k).

BASED UPON the foregoing findings of fact, the Hearing Officer makes the following:

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter.

2. Respondent was properly served with the Notice of Administrative Hearing in this matter.

3. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(2), one basis for the revocation of a license issued by the Department of Insurance is violation of the insurance laws of North Carolina.

4. N.C. Gen. Stat. § 58-33-32(k) is a North Carolina insurance law that requires an insurance producer to report to the Commissioner “any administrative action” taken against the producer in another state “within 30 days after the final disposition of the matter.”

5. Respondent failed to report the Delaware and Louisiana administrative actions to the Commissioner within thirty days of the actions’ respective final dispositions, as mandated by N.C. Gen. Stat. § 58-33-32(k).

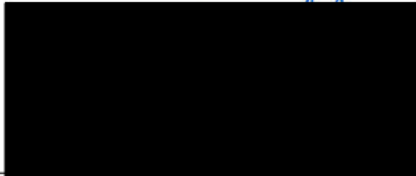
6. By failing to report the Delaware and Louisiana administrative actions within thirty days of their final disposition, Respondent twice violated a North Carolina insurance law within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2).

7. Based on the evidence received and the applicable law, the undersigned Hearing Officer concludes that Respondent’s License should be revoked under N.C. Gen. Stat. § 58-33-46(a)(2).

ORDER

BASED UPON the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent’s non-resident North Carolina Insurance Producer’s license is hereby **REVOKED**.

This 22 day of November, 2021.



Tyler C. Radtke, Hearing Officer
N.C. Department of Insurance

APPEAL RIGHTS

This is a Final Agency Decision issued under the authority of N.C. Gen. Stat. § 150B, Article 3A.

Under the provisions of N.C. Gen. Stat. 150B-45, any party wishing to appeal a final decision of the North Carolina Department of Insurance must file a Petition for Judicial Review in the Superior Court of the County where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. The appealing party must file the petition within 30 days after being served with a written copy of the Order and Final Agency Decision. In conformity with 11 NCAC 01 .0413 and N.C. Gen. Stat. § 1A-1, Rule 5, this Order and Final Agency Decision was served on the parties on the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Order and Final Agency Decision. N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. The mailing address to be used for service on the Department of Insurance is: A. John Hoomani, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing **ORDER AND FINAL AGENCY DECISION** by mailing a copy of the same via certified U.S. Mail, return receipt requested; via first class U.S. mail to the licensee, at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b); and via State Courier to Attorney for Petitioner, addressed as follows:

Chad Thomas Rumfelt
1233 Commonwealth Ave.
Bronx, N.Y. 10472-4604
(Respondent)

Certified Mail Tracking #: 70200640000031853717

Nathan D. Childs
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This the 22nd day of November, 2021.



Abby Spann, NCCP
Paralegal III
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201